

116TH CONGRESS  
2D SESSION

# H. R. 6536

To amend the Richard B. Russell National School Lunch Act to enhance direct certification under the school lunch program.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 17, 2020

Ms. KENDRA S. HORN of Oklahoma (for herself, Mr. BACON, Mr. FITZPATRICK, Mr. TRONE, and Mr. GONZALEZ of Texas) introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To amend the Richard B. Russell National School Lunch Act to enhance direct certification under the school lunch program.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Caregivers, Access, and  
5       Responsible Expansion for Kids Act of 2020” or the  
6       “CARE for Kids Act of 2020”.

7       **SEC. 2. ENHANCING DIRECT CERTIFICATION.**

8       Section 9(b)(5) of the Richard B. Russell National  
9       School Lunch Act (42 U.S.C. 1758(b)(5)) is amended—

1                             (1) in the matter preceding subparagraph (A),  
2                             by inserting “(including any school operated by the  
3                             Bureau of Indian Education)” before “may certify”;  
4                             and

5                             (2) in subparagraph (E)—  
6                                 (A) in clause (i), by striking “or” at the  
7                             end;

8                                 (B) in clause (ii)—  
9                                     (i) by striking “who” and inserting  
10                                 “whom”; and  
11                                     (ii) by striking the period at the end  
12                                 and inserting a semicolon; and

13                                 (C) by adding at the end the following:  
14                                     “(iii) a child whose placement with a care-  
15                                 giver was carried out with the involvement of  
16                                 an agency that administers a State plan under  
17                                 part B or E of title IV of the Social Security  
18                                 Act (42 U.S.C. 601 et seq.) or a tribal child  
19                                 welfare agency, without regard to whether the  
20                                 agency is responsible for the care and place-  
21                                 ment of the child;  
22                                     “(iv) a child for whom an adoption assist-  
23                                 ance payment is made under section 473(a) of  
24                                 the Social Security Act (42 U.S.C. 673(a)) or

1           under a similar State-funded or State-operated  
2           program, as determined by the Secretary;

3               “(v) a child for whom a kinship guardian-  
4               ship assistance payment is made under section  
5               473(d) of the Social Security Act (42 U.S.C.  
6               673(d)) or under a similar State-funded or  
7               State-operated program, as determined by the  
8               Secretary, without regard to whether the child  
9               was previously in foster care; or

10              “(vi) a child of a family that—

11                   “(I) lives in housing dedicated to low-  
12               income families with a caregiver who is a  
13               grandparent or another older person that  
14               cares for the child full-time; or

15                   “(II) receives housing or housing as-  
16               sistance under the Native American Hous-  
17               ing Assistance and Self-Determination Act  
18               of 1996 (25 U.S.C. 4101 et seq.).”.

19 **SEC. 3. EXTENDED ELIGIBILITY.**

20           Section 9(b)(9) of the Richard B. Russell National  
21           School Lunch Act (42 U.S.C. 1758(b)(9)) is amended—

22               (1) by redesignating subparagraph (C) as sub-  
23               paragraph (D);

24               (2) by inserting after subparagraph (B) the fol-  
25               lowing:

1                   “(C) ELIGIBILITY OF TRANSFERRED CHIL-  
2 DREN.—

3                   “(i) DEFINITION OF COVERED  
4 CHILD.—In this subparagraph, the term  
5 ‘covered child’ means a child that—

6                   “(I) has been determined eligible  
7 for free or reduced price meals under  
8 this Act by a local educational agency  
9 (referred to in this subparagraph as  
10 the ‘original local educational agen-  
11 cy’); and

12                  “(II) transfers to another school  
13 that is under the jurisdiction of a dif-  
14 ferent local educational agency (re-  
15 ferred to in this subparagraph as the  
16 ‘new local educational agency’).

17                  “(ii) ELIGIBILITY.—An eligibility de-  
18 termination made by an original local edu-  
19 cational agency with respect to a covered  
20 child shall be transferred to, and honored  
21 by, the new local educational agency, in-  
22 cluding the period for which that deter-  
23 mination was authorized, subject to an ex-  
24 tension under clause (iii).

1                         “(iii) EXTENSION OF DURATION.—A  
2                         new local educational agency shall honor  
3                         the eligibility determination for a covered  
4                         child under clause (ii) for a period that is  
5                         1 year longer than the period for which  
6                         that determination was authorized by the  
7                         original local educational agency if the cov-  
8                         ered child began living with a caregiver—

9                                 “(I) in the 12-month period pre-  
10                         ceding the date on which the covered  
11                         child is enrolled in a school under the  
12                         jurisdiction of a new local educational  
13                         agency; and

14                                 “(II) who is—

15                                 “(aa) a grandparent or  
16                         other relative and has legal au-  
17                         thority to secure services for the  
18                         child through an educational or  
19                         healthcare consent affidavit,  
20                         power of attorney, or other legal  
21                         documentation; or

22                                 “(bb) a grandparent or  
23                         other relative and has legal cus-  
24                         tody of the child or has com-  
25                         menced the process of seeking

3 (3) in subparagraph (D) (as so redesignated)—

(A) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and indenting appropriately;

“(i) IN GENERAL.—Except as otherwise specified in clause (ii), subparagraph (C), subparagraphs (E) and (H)(ii) of paragraph (3); and

15 (C) by adding at the end the following:

16                         “(ii) EXTENSION FOR CERTAIN CHIL-  
17                         DREN.—A school food authority shall ex-  
18                         tend the eligibility determination made by  
19                         a local educational agency with respect to  
20                         a child for a period that is 1 year longer  
21                         than the period for which that determina-  
22                         tion was authorized by the local edu-  
23                         cational agency, if the child began living  
24                         with a caregiver—

1                         “(I) in the 12-month period pre-  
2                         ceding the date on which the covered  
3                         child is enrolled in the new school;  
4                         and  
5                         “(II) who is—  
6                             “(aa) a grandparent or  
7                         other relative and has legal au-  
8                         thority to secure services for the  
9                         child through an educational or  
10                         healthcare consent affidavit,  
11                         power of attorney, or other legal  
12                         documentation; or  
13                         “(bb) a grandparent or  
14                         other relative and has legal cus-  
15                         tody of the child or has com-  
16                         menced the process of seeking  
17                         legal custody of the child in a  
18                         court of law.”.

19 **SEC. 4. EXPANDING AUTOMATIC ELIGIBILITY.**

20             (a) IN GENERAL.—Section 9(b)(12)(A) of the Rich-  
21             ard B. Russell National School Lunch Act (42 U.S.C.  
22             1758(b)(12)(A)) is amended—  
23                     (1) by conforming the margins of clauses (iv)  
24                     through (vii) to the margin of clause (iii); and  
25                     (2) in clause (vii)—

- 1                             (A) in subclause (I), by striking “or” at  
2                             the end;
- 3                             (B) in subclause (II)—  
4                                 (i) by striking “who” and inserting  
5                                 “whom”; and  
6                                 (ii) by striking the period at the end  
7                             and inserting a semicolon; and
- 8                             (C) by adding at the end the following:  
9                                 “(III) a child whose placement with a  
10                                 caregiver was carried out with the involve-  
11                                 ment of an agency that administers a  
12                                 State plan under part B or E of title IV  
13                                 of the Social Security Act (42 U.S.C. 601  
14                                 et seq.) or a tribal child welfare agency,  
15                                 without regard to whether the agency is re-  
16                                 sponsible for the care and placement of the  
17                                 child;
- 18                                 “(IV) a child for whom an adoption  
19                                 assistance payment is made under section  
20                                 473(a) of the Social Security Act (42  
21                                 U.S.C. 673(a)) or under a similar State-  
22                                 funded or State-operated program, as de-  
23                                 termined by the Secretary;
- 24                                 “(V) a child for whom a kinship  
25                                 guardianship assistance payment is made

1                   under section 473(d) of the Social Security  
2                   Act (42 U.S.C. 673(d)) or under a similar  
3                   State-funded or State-operated program,  
4                   as determined by the Secretary, without  
5                   regard to whether the child was previously  
6                   in foster care; or

7                   “(VI) a child of a family that—  
8                         “(aa) lives in housing dedicated  
9                         to low-income families with a care-  
10                         giver who is a grandparent or another  
11                         older person that cares for the child  
12                         full-time; or  
13                         “(bb) receives housing or housing  
14                         assistance under the Native American  
15                         Housing Assistance and Self-Deter-  
16                         mination Act of 1996 (25 U.S.C.  
17                         4101 et seq.).”.

18                 (b) CONFORMING AMENDMENTS.—Section 9(d)(2) of  
19                 the Richard B. Russell National School Lunch Act (42  
20                 U.S.C. 1758(d)(2)) is amended—

21                         (1) in subparagraph (D), by striking “(iv) or  
22                         (v)” and inserting “(ii), (iii), (iv), (v), or (vii)”;  
23                         (2) in subparagraph (E), by adding “or” at the  
24                         end after the semicolon;  
25                         (3) by striking subparagraph (F); and

1                             (4) by redesignating subparagraph (G) as sub-  
2                             paragraph (F) and conforming the margin of sub-  
3                             paragraph (F) (as so redesignated) appropriately.

4 **SEC. 5. MEDICAID DIRECT CERTIFICATION.**

5                             Section 9(b)(15)(A)(i) of the Richard B. Russell Na-  
6                             tional School Lunch Act (42 U.S.C. 1758(b)(15)(A)(i)) is  
7                             amended—

8                             (1) in subclause (I)—

9                                 (A) in item (bb), by striking “(bb) who”  
10                             and inserting the following:

11                                 “(BB) who”; and

12                                 (B) by striking “(I)(aa) who” and insert-  
13                             ing the following:

14                                 “(aa)(AA) who”;

15                             (2) in subclause (II)—

16                                 (A) by striking “regulations) with a child  
17                             described in subclause (I)” and inserting “regu-  
18                             lations)) with a child described in item (aa)”;

19                             and

20                                 (B) by striking “(II) who” and inserting  
21                             the following:

22                                 “(bb) who”;

23                             (3) in the matter preceding item (aa)(AA) (as  
24                             so redesignated), by striking “The term” and insert-  
25                             ing the following:

1                             “(I) IN GENERAL.—The term”;

2                             and

3                             (4) by adding at the end the following:

4                             “(II) OTHER CHILDREN.—The term  
5                             ‘eligible child’ includes a child that receives  
6                             medical assistance under the Medicaid pro-  
7                             gram—

8                             “(aa) under subclause (I) of sec-  
9                             tion 1902(a)(10)(A)(i) of the Social  
10                             Security Act (42 U.S.C.  
11                             1396a(a)(10)(A)(i)) on the basis of  
12                             receiving aid or assistance under the  
13                             State plan approved under part E of  
14                             title IV of that Act (42 U.S.C. 670 et  
15                             seq.) or by reason of section 473(b) of  
16                             that Act (42 U.S.C. 673(b)); or

17                             “(bb) under subclause (II) of sec-  
18                             tion 1902(a)(10)(A)(i) of that Act (42  
19                             U.S.C. 1396a(a)(10)(A)(i)) on the  
20                             basis of receiving supplemental secu-  
21                             rity income benefits.”.

